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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,975	11/16/1999	KEVIN T. LEWIS	2357.1016001	3713

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EXAMINER

BLACK, LINH

ART UNIT PAPER NUMBER

2177

DATE MAILED: 05/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/440,975

Applicant(s)

LEWIS ET AL.

Examiner

Linh M Pham

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-10 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yates et al (USP 6167438).

3. Yates anticipated the independent claim 1 by the following:

"A method of servicing requests for delivery of a media content file in a network of client-server computing systems in which a client computer makes an inquiry to an origin server to locate a media server associated with the origin server which stores the media content file, and wherein a local media cache is located within the network at a point near the client" (the abstract; fig. 7; col. 2, lines 28-34; col. 3, lines 23-51).

"the method comprising the steps of: at the client, requesting delivery of the media content file by requesting from the origin server the delivery of a media redirection file (MRF) containing a redirection object specifying instructions for obtaining the media content file from the media server" (col. 5, lines 12-25; fig. 10; the abstract; col. 1, lines 23-49);

"and prior to delivery of the media redirection file to the client, intercepting the media redirection file and rewriting the instructions contained therein so that the media content file is obtained from the local media cache by the client instead of from the media server directly" (col. 3, lines 23- 65; col. 5, lines 12-25).

4. Yates anticipated claim 2 by the following:

"the step of intercepting the media redirection file is performed at a node in the network near the client" (the abstract).

5. Yates anticipated claim 3 by the following:

"...wherein the step of intercepting the media redirection file is performed at an intermediate node in the network" (fig. 7; col. 7, lines 18-27).

6. Yates anticipated claim 4 by the following:

"...wherein the step of intercepting the media redirection file is performed at the origin server" (col. 2, lines 35-66; col. 9, lines 38-41).

7. Yates anticipated claim 5 by the following:

"...wherein the step of intercepting the media direction file is modified at a link layer"
(the abstract; cols. 19-20, lines 64-33).

8. Yates anticipated claim 6 by the following:

"...wherein the local media cache is selected from among multiple media caches" (fig. 10, col. 20, lines 16-25).

9. Yates anticipated claim 7 by the following:

"...wherein the media content file is stored in the local media cache prior to the client requesting delivery of the media content file" (col. 20, lines 7-33).

10. Yates anticipated claim 8 by the following:

"determining an observed link bandwidth for file transfers between the local media cache and the client; and rewriting the instructions in the media redirection file to specify one of a plurality of media content files depending upon the observed link bandwidth"
(cols. 14-17, lines 27-2).

11. Yates anticipated claim 9 by the following:

"...wherein the multiple media caches are arranged and selected in accordance with a fault tolerance capability" (col. 4, lines 26-30).

12. Yates anticipated claim 10 by the following:

"...wherein the multiple media caches are arranged as a cache cluster" (fig. 10).

13. Yates anticipated claim 12 by the following:

"...before rewriting the instructions contained in the media redirection file, determining if the media content file is stored at the local cache server" (cols. 25-26, lines 63-20; col. 4, lines 34-40).

14. Yates anticipated claim 13 by the following:

"...wherein the step of rewriting the instructions further comprises the step of rewriting an <href> tag within the media redirection file to insert a Uniform Resource Locator (URL) of the media cache" (fig. 5, element 55; fig. 7, elements 1 and 2).

Allowable Subject Matter

15. Claim 11 is allowed.

Response to Arguments

1. Applicant's arguments filed 3/5/02 have been fully considered but they are not persuasive. This maintains the rejections of the previous action, paper number 7 which is hereby incorporated by reference.

In the response, applicant argues, "the present invention describes a response (the MRF) to the client request by a home or origin server communicated through the network away from the home or origin server". Examiner finds Yates et al (USP

6167438) does teach the client first sends requests to the origin server for the delivery of a media redirection file (the abstract; fig. 3; fig. 7; col. 18, lines 45-65). The cache servers act as the origin server in response to clients' requests of the media redirection files (col. 3, line 45 to col. 4, line 67; col. 19, lines 43-54; col. 24, lines 10-26; col. 27, line 43 to col. 28, line 13). Client requests do go to the origin server when cache servers cannot serve the client request (fig. 10; col. 28, lines 1-7; col. 11, lines 55-65). Yates does teach the media content file is obtained from the local media cache by the client (col. 1, lines 44-48; fig. 3), which is obvious that the instructions in the MRF is modified.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh M Pham whose telephone number is 703-305-0317. The examiner can normally be reached on Mon-Thurs, 7am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-5654 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Linh M Pham
Examiner
Art Unit 2177
May 6, 2002

LP


JOHN BREENE
SUPERVISORY PATENT EXAMINER
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